

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 11th DAY OF APRIL 2005, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

| | | |
|----------|---|---|
| PRESENT: | Gary D. Creed | -Chair |
| | Steve L. Spradlin | -Vice Chair |
| | Mary W. Biggs | -Supervisors |
| | Doug Marrs | |
| | John A. Muffo | |
| | Annette S. Perkins (Arrived 7:55 p.m.) | |
| | James D. Politis | |
| | B. Clayton Goodman, III | -County Administrator |
| | L. Carol Edmonds | -Assistant County Administrator |
| | Martin M. McMahon | -County Attorney |
| | Karen Edmonds | -Human Resources Director |
| | Angie Hill | -Financial & Management Services Director |
| | T.C. Powers | -Planning Director |
| | Robert C. Parker | -Public Information Officer |
| | Vickie L. Swinney | -Secretary, Board of Supervisors |

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC HEARING

New River Valley Hazard Mitigation Plan

New River Valley Hazard Mitigation Plan was compiled in response to the Disaster Mitigation Act of 2000, as amended, requiring local governments to develop and adopt natural hazard mitigation plans in order to receive certain federal assistance. This plan was developed with the assistance of the New River Valley Planning District Commission.

Shawn Utt, New River Valley Planning District Commission, provided a brief overview of the New River Valley Hazard Mitigation Plan. Mr. Utt explained that the Disaster Mitigation Act of 2000 requires all localities in the United States to complete and adopt a hazard mitigation plan by November 1, 2004 to maintain eligibility for certain Federal Emergency Management Agency (FEMA) funds. A hazard mitigation plan researches past hazards, assesses future risks, and

delineates a long-term plan to reduce future risks. Mr. Utt reported that New River Valley localities have had a least seven Presidential declared disasters since 1965. Assessment of these events revealed that the most serious hazards are flooding, drought and wildfire. For example, the region suffered a severe drought from 1988 – 2002, impacting agriculture, water supplies, and wildfires. In 2002, alone, there were \$10 million in agriculture losses.

In order to meet the requirements by the Disaster Mitigation Act of 2000, localities in the New River Valley Planning District Commission (NRVPDC) created the New River Valley Hazard Mitigation Work Group to help develop a hazard mitigation plan for the region. The work group consists of numerous volunteers from all of the NRVPDC jurisdictions. Those who participated from Montgomery County were Steve Sandy, Montgomery County Zoning Administrator; Neil Turner; Montgomery County Emergency Services Coordinator; and Margaret Smith, interested citizen. Mr. Utt also expressed his appreciation to Montgomery County's GIS and Mapping Department for providing their services with maps.

Mr. Utt explained that the Hazard Mitigation Plan provides a local hazard plan and project lists for all jurisdictions in the NRVPDC region. The plan identifies fifteen (15) hazard mitigation opportunities for Montgomery County, for example the creation of a Reverse 911 system, which allows the County to send out emergency notifications to citizens.

Mr. Utt recommended that each locality include the Hazard Mitigation Plan in their Comprehensive Plan and review it every five years.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS SESSION

There being no speakers, the public address session was closed.

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Virginia Department of Transportation (VDOT) – Road Concerns
2. Montgomery County Government Center “Building C”
3. Proposed FY 2005-2006 Budget

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|-------------------|------------|--------------------|
| Mary W. Biggs | None | Annette S. Perkins |
| Doug Marrs | | |
| Steve L. Spradlin | | |
| James D. Politis | | |
| John A. Muffo | | |
| Gary D. Creed | | |

Virginia Department of Transportation

David Clarke, Resident Engineer, addressed the Board regarding several road concerns as follows:

1. Widening of Rt. 114 (Town of Christiansburg) – estimated start date on Phase I is September 2006.
2. Tom’s Creek Interchange (Town of Blacksburg) estimated advertisement date is January 2006. VDOT is currently working on right-of-way acquisition.
3. Blue Springs Road – Upgrade and paving (Priority #1 on County’s Six-Year Road Plan) estimated advertisement date is February 2006.
4. Meadowcreek Road (SR 658) VDOT does recommend lowering the speed limit
5. Paving Schedule for Spring 2005- will provide Board of Supervisors with a copy. Mr. Clarke did report that Walton Road (SR 663) and Craig Creek Road (SR 621) in Montgomery County were due to be paved this year.

Montgomery County Government Center “Building C “

The County Administrator reported that the bids on the renovation of Building “C” have been received and tabulated. Five companies submitted bids, with the low bid received at \$3,942,200. The total estimated cost of the Building C project is \$4,916,480, which results in an overrun of \$2,500,000. The County Administrator also reported that the preliminary estimates for the courthouse renovations indicate an overrun of \$5.4 - \$8.1 million. Therefore, the County will need to fund an additional \$7.8 million to \$10.5 million dollars. The County Administrator recommended that the Board proceed with the project and requested authorization to execute the necessary contract to award Phase I – “Building C” renovations to the apparent low bidder.

Proposed FY 2005-2006 Budget

The County Administrator provided information requested by the Board of Supervisors on the proposed FY 2005-2006 Budget. He provided a report on non-recurring charges to assist providing additions for the budget and a report on the comparison of County employees and School Board employees salary increases. He also provided options to balance the budget based on tax rates of 67 – 70 cents.

OUT OF WORK SESSION

On a motion by Steve L. Spradlin, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|
| Doug Marrs | None |
| Steve L. Spradlin | |
| Annette S. Perkins | |
| James D. Politis | |
| John A. Muffo | |
| Mary W. Biggs | |
| Gary D. Creed | |

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the Consent Agenda dated April 11, 2005 was approved.

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|
| Steve L. Spradlin | None |
| Annette S. Perkins | |
| James D. Politis | |
| John A. Muffo | |
| Mary W. Biggs | |
| Doug Marrs | |
| Gary D. Creed | |

Approval of Minutes

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the minutes dated February 28, 2005 and March 14, 2005 were approved.

A-FY-05-87
HUMAN RESOURCES
APPROPRIATION OF CANTEEN FUNDS

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

| | | |
|-----|-----------------|---------|
| 110 | Human Resources | \$5,000 |
|-----|-----------------|---------|

The sources of the funds for the foregoing appropriation are as follows:

Revenue Account

| | | |
|--------|---------------|----------------|
| 419112 | Canteen Funds | \$2,100 |
| 451205 | Fund Balance | <u>\$2,900</u> |
| | Total | \$5,000 |

Said resolution appropriates monies received from Canteen funds for use for the Employee Service Awards Program.

A-FY-05-88
SHERIFF
RECOVERED COSTS

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

| | | |
|-----|----------------------|---------------|
| 310 | Sheriff – Comp Board | \$1,113 |
| 320 | Sheriff – County | \$4,763 |
| 321 | Sheriff – Grants | <u>\$ 385</u> |
| | Total | \$6,261 |

The sources of the funds for the foregoing appropriation are as follows:

Revenue Account

| | | |
|--------|-------------------------|---------------|
| 441101 | Insurance Recoveries | \$1,113 |
| 419108 | Recovered Costs | \$4,763 |
| 424401 | Project Lifesaver funds | <u>\$ 385</u> |
| | Total | \$6,261 |

Said resolution appropriates recovered costs from refunds and security worked by deputies, insurance recoveries from an accident involving a Sheriff's Department vehicle, and Project Lifesaver funds.

A-FY-05-89
COMMUNITY DEVELOPMENT BLOCK GRANT
PLANNING AND GIS

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005 for the function and in the amount as follows:

| | | |
|-----|------------------|----------|
| 800 | Planning and GIS | \$25,000 |
|-----|------------------|----------|

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

| | | |
|--------|----------------|----------|
| 434401 | Federal Grants | \$25,000 |
|--------|----------------|----------|

Said resolution appropriates Community Development Block Grant funds received to be used for a planning grant to determine the demand and applicability of adapting the Meadowbrook Community Services Facility to serve Head Start, Workforce Development Training, and expansion of the existing Food Pantry in the Shawsville-Elliston area of Montgomery County.

A-FY-05-90
REASSESSMENT

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

| | | |
|-----|--------------|-----------|
| 153 | Reassessment | \$628,000 |
|-----|--------------|-----------|

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

| | | |
|--------|---------------------------|-----------|
| 451203 | Undesignated Fund Balance | \$628,000 |
|--------|---------------------------|-----------|

Said resolution appropriates funding from undesignated fund balance to cover the cost of the Reassessment process.

A-FY-05-91
NEW RIVER LAND TRUST
TRANSFER FROM GENERAL CONTINGENCIES

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

| | | |
|-----|-----------------------|------------|
| 950 | General Contingencies | (\$20,000) |
|-----|-----------------------|------------|

TO:

| | | |
|-----|---|----------|
| 910 | Outside Agencies – New River Land Trust | \$20,000 |
|-----|---|----------|

Said resolution transfers appropriated funds from General Contingencies to the New River Land Trust to establish a revolving loan fund for conservation easement administrative costs.

A-FY-05-92
BOARD OF SUPERVISORS
TRANSFER FROM GENERAL CONTINGENCIES

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

| | | |
|-----|-----------------------|------------|
| 950 | General Contingencies | (\$50,730) |
|-----|-----------------------|------------|

TO:

| | | |
|-----|----------------------|----------|
| 100 | Board of Supervisors | \$50,730 |
|-----|----------------------|----------|

Said resolution transfers funds from General Contingencies to the Board of Supervisors budget to cover the County's share of the Regional Jail Study.

A-FY-05-93
JUVENILE AND DOMESTIC COURT
TRANSFER FROM GENERAL CONTINGENCIES

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

| | | |
|-----|-----------------------|-----------|
| 950 | General Contingencies | (\$5,900) |
|-----|-----------------------|-----------|

TO:

| | | |
|-----|-----------------------------|---------|
| 230 | Juvenile and Domestic Court | \$5,900 |
|-----|-----------------------------|---------|

Said resolution transfers funds from General Contingencies to Juvenile and Domestic Court to provide funds for furniture for the new judge.

A-FY-05-94
FIRE AND RESCUE
TRANSFER FROM GENERAL CONTINGENCIES

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

| | | |
|-----|-----------------------|-----------|
| 950 | General Contingencies | (\$9,500) |
|-----|-----------------------|-----------|

TO:

| | | |
|-----|-----------------|---------|
| 330 | Fire and Rescue | \$9,500 |
|-----|-----------------|---------|

Said resolution transfers funds from General Contingencies to Fire and Rescue to cover the cost of insurance.

R-FY-05-196
RENEWAL OF AGRICULTURAL AND FORESTAL DISTRICTS
REFER TO PLANNING COMMISSION
AND AFD ADVISORY COMMITTEE

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, Agricultural and Forestal District-7 (Wilson Creek/Den Creek), Agricultural and Forestal District-9 (Elliston/Peddler Hills), and Agricultural and Forestal District-10 (Mt.

Tabor Road) encompassing 41 landowners and over 8,600 acres are scheduled to expire on December 31, 2005; and

WHEREAS, Section 15.2-4311 of the Code of Virginia and Section 2-152 of the Code of Montgomery provide for the orderly review and renewal of such districts.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County does hereby direct the Advisory Committee on Agricultural and Forestal Districts and the Planning Commission to commence the review and renewal process for Agricultural and Forestal District-7, Agricultural and Forestal District-9 and Agricultural and Forestal District-10.

R-FY-05-197
MILLSTONE RIDGE ROAD (SR 1060)
SPEED STUDY REQUEST

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The County Administrator has received a petition from concerned citizens requesting the Virginia Department of Transportation to conduct a speed study on Millstone Ridge Road (SR 1060) from the intersection with Keisters Branch Road (SR 1060) to the Cul-de-Sac, to consider designating and posting the road as 25 miles per hour in order to improve the safety in this area; and

WHEREAS, Pursuant to the Board's policy adopted November 13, 1996, this petition contains the signatures of a least 50% of the property owners along the specified road.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby respectfully requests the Virginia Department of Transportation to conduct a speed study on said road to determine the feasibility of reducing and posting the speed limit at 25 miles per hour to improve the safety of this area.

OLD BUSINESS

R-FY-05-198
SPECIAL USE PERMIT -
MONTGOMERY COUNTY
LIGHTED PARK EASTERN MONTGOMERY HIGH SCHOOL

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Montgomery County (Agent: Montgomery County Schools) request a special use permit on 34.45 acres in Agriculture (A-1), to allow a lighted park at Eastern Montgomery High School, is hereby approved subject to the following conditions:

1. Site will be developed in substantial conformance with site plan and lighting plans prepared by Anderson and Associates entitled EMHS Stadium Core Improvements.
2. Lighting controls shall be secured and not accessible by the public. School officials shall ensure that lights are out by 11pm unless there are extenuating circumstances that would cause a hazard.

The property is located at 4695 Crozier Road and is identified as Tax Parcel No. 59-2-10 (Acct ID # 007383) in the Shawsville Magisterial District. The property currently lies in an area designated as a Village Expansion Area in the comprehensive plan

The vote on the foregoing resolution was as follows:

| | |
|--------------------|------------|
| <u>AYE</u> | <u>NAY</u> |
| Annette S. Perkins | None |
| James D. Politis | |
| John A. Muffo | |
| Mary W. Biggs | |
| Doug Marrs | |
| Steve L. Spradlin | |
| Gary D. Creed | |

**R-FY-05-199
SPECIAL USE PERMIT
TOWN OF CHRISTIANSBURG
LIGHTED PARK BEHIND
CHRISTIANSBURG MIDDLE SCHOOL**

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Town of Christiansburg's (Agent: Oliver, Webb, Pappas & Rhudy, Inc.) request for a special use permit on 11 acres in Agriculture (A-1), to allow a lighted park, is hereby approved subject to the following conditions:

1. Site will be developed in substantial conformance with site plan and lighting plans prepared by Oliver, Webb, Pappas and Rhudy dated November 12, 2003 (last revised January 10, 2005) and November 21, 2003 (last revised May 24, 2004) respectively.
2. Lighting controls shall be secured and not accessible by the public. The Town of Christiansburg shall ensure that lights are out by 11pm unless there are extenuating circumstances that would cause a hazard.

The property is located behind Christiansburg Middle School at 1209 Buffalo Drive and is identified as Tax Parcel No. 92-A-62E (Acct ID # 036085) in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the comprehensive plan.

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|
| James D. Politis | None |
| John A. Muffo | |
| Mary W. Biggs | |
| Doug Marrs | |
| Steve L. Spradlin | |
| Annette S. Perkins | |
| Gary D. Creed | |

ORD-FY-05-21
AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING,
SECTION 10-28(4) OF THE CODE OF THE COUNTY OF MONTGOMERY,
VIRGINIA, BY ADDING OUTPATIENT MENTAL HEALTH AND
SUBSTANCE ABUSE CENTER TO THE USES PERMISSIBLE BY SPECIAL USE
PERMIT IN THE GENERAL BUSINESS DISTRICT.

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, Entitled Zoning, Section 10-28(4) of the Code of the County of Montgomery shall be amended and reordained as follows:

10-28 GB General Business

(4) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and with all other applicable regulations:

- (a) Assembly of electrical, electronic devices, greater than three thousand (3,000) square feet floor area.
- (b) Truck, trailer, heavy equipment sales, service, rental and repair.
- (c) Building greater than fifty (50) feet in height.
- (d) Farm machinery sales and service.
- (e) Feed and seed store and mill.
- (f) General store, convenience store with motor fuel sales.
- (g) Golf driving range, miniature golf and similar outdoor recreation.
- (h) Kennel, commercial.
- (i) Livestock market.
- (j) Mini-warehouse.
- (k) Outpatient mental health and substance abuse center.

- (l) ~~(k)~~ Public utility plant, other.
- (m) ~~(l)~~ Public utility substation.
- (n) ~~(m)~~ Public utility plant, water or sewer.
- (o) ~~(n)~~ Recreation establishment.
- (p) ~~(o)~~ Recycling facility.
- (q) ~~(p)~~ Service station.
- (r) ~~(q)~~ Shooting range, indoor.
- (s) ~~(r)~~ Telecommunication tower, freestanding.
- (t) ~~(s)~~ Night club.
- (u) ~~(t)~~ Stone engraving and sales.

The vote on the foregoing ordinance was as follows:

| | |
|--------------------|------------|
| <u>AYE</u> | <u>NAY</u> |
| John A. Muffo | None |
| Mary W. Biggs | |
| Steve L. Spradlin | |
| Annette S. Perkins | |
| Doug Marrs | |
| James D. Politis | |
| Gary D. Creed | |

ORD-FY-05-22
AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING, SECTION 10-30(3)
OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA,
ADDING LABORATORY TO THE USES PERMITTED BY RIGHT IN THE M-1
INDUSTRIAL DISTRICT

On a motion by Doug Marrs, seconded by Steve L. Spradlin and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, Entitled Zoning, Section 10-30(3) of the Code of the County of Montgomery shall be amended and reordained as follows:

10-30 M-1 Industrial

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter and with all other applicable regulations:

- (a) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts.
- (b) Automobile or mobile home assembling, painting, public garages, upholstering repairing, rebuilding, reconditioning, truck repairing or overhauling and tire retreading or recapping.

- (c) Cabinets, furniture and upholstery shop.
- (d) Civic club.
- (e) Contractor service establishment.
- (f) Crematorium.
- (g) Custom meat cutting, processing and sales.
- (h) Day care center.
- (i) Equipment sales and service.
- (j) Feed and seed store and mill.
- (k) Fire, police, rescue facility.
- (l) Fruit processing and storage.
- (m) Laboratory
- (n) ~~(m)~~ Laundry, dry cleaning plant.
- (o) ~~(n)~~ Manufacture of musical instruments, toys, novelties, rubber and metal stamps.
- (p) ~~(o)~~ Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
- (q) ~~(p)~~ Manufacturing, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, rubber, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, yarn and paint.
- (r) ~~(q)~~ Manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and tobacco products.
- (s) ~~(r)~~ Monument stone works.
- (t) ~~(s)~~ Park and ride lot.
- (u) ~~(t)~~ Pet, household.
- (v) ~~(u)~~ Public utility lines, other.
- (w) ~~(v)~~ Public utility line, water or sewer.
- (x) ~~(w)~~ Railroad facility.
- (y) ~~(x)~~ Recycling facility.
- (z) ~~(y)~~ Retail sales and service incidental to any other permitted use.
- (aa) ~~(z)~~ Telecommunication tower, attached.
- (bb) ~~(aa)~~ Truck terminal.
- (cc) ~~(bb)~~ Welding or machine shop.
- (dd) ~~(cc)~~ Wholesale business, storage warehouse.
- (ee) ~~(dd)~~ Wood preserving operation.

The vote on the foregoing ordinance was as follows:

AYE

Mary W. Biggs
Steve L. Spradlin
Annette S. Perkins
Doug Marrs
James D. Politis
John A. Muffo
Gary D. Creed

NAY

None

ORD-FY-05-23

AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING, SECTION 10-31 AND 10-33, RESPECTIVELY OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA, MODIFYING LABORATORY, IN THE USES PERMITTED BY RIGHT IN THE MANUFACTURING LIGHT DISTRICT (M-L), AND PLANNED INDUSTRIAL DISTRICT (PIN)

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, Entitled Zoning, Section 10-31 and 10-33 respectively of the Code of the County of Montgomery shall be amended and reordained as follows:

10-31 M-L Manufacturing Light

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter and with all other applicable regulations:

- (a) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts.
- (b) Business or trade school.
- (c) Cabinets, furniture and upholstery shop.
- (d) Civic club.
- (e) Conference or training center.
- (f) Crematorium.
- (g) Day care center.
- (h) Equipment sales and service.
- (i) Financial services.
- (j) Fire, police, rescue facility.
- (k) Flex-industrial use.
- (l) Homeless shelter.
- (m) Hotel, motel.
- (n) Laboratory; ~~pharmaceutical or medical~~.
- (o) Laundry, dry cleaning plant.
- (p) Manufacture of musical instruments, toys, novelties, rubber and metal stamps.
- (q) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
- (r) Manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and tobacco products.
- (s) Monument stone works.
- (t) Offices, administrative, business or professional.
- (u) Park and ride lot.

- (v) Pet, household.
- (w) Post office.
- (x) Printing service.
- (y) Public utility lines, other.
- (z) Public utility lines, water or sewer.
- (aa) Research, experimental, testing or development activity.
- (bb) Retail sales and service incidental to any other permitted use.
- (cc) Telecommunication tower, attached.
- (dd) Veterinary service; animal hospital.
- (ee) Wholesale business, storage warehouses.

10-33 PIN Planned Industrial

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter:

- (a) Animal hospital.
- (b) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts.
- (c) Business or trade school.
- (d) Cabinets, furniture and upholstery shop.
- (e) Cemetery, mausoleum or memorial park.
- (f) Civic club.
- (g) Conference or training center.
- (h) Crematorium.
- (i) Day care center.
- (j) Equipment sales and service.
- (k) Financial services.
- (l) Fire, police, rescue facility.
- (m) Flex-industrial uses.
- (n) Homeless shelter.
- (o) Hotel, motel.
- (p) Laboratory, ~~pharmaceutical or medical~~.
- (q) Laundry, dry cleaning plant.
- (r) Manufacture of musical instruments, toys, novelties, rubber and metal stamps.
- (s) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
- (t) Manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and tobacco products.
- (u) Mini warehouse.
- (v) Monument stone works.
- (w) Office, administrative, business or professional.
- (x) Park and ride lot.
- (y) Pet, household.

- (z) Post office.
- (aa) Printing service.
- (bb) Public utility lines, other.
- (cc) Public utility lines, water or sewer.
- (dd) Public utility substation.
- (ee) Research, experimental, testing or development activity.
- (ff) Retail sales and service incidental to any other permitted use.
- (gg) Storage warehouse.
- (hh) Telecommunication tower, attached.
- (ii) Veterinary service.
- (jj) Wholesale business.

The vote on the foregoing ordinance was as follows:

| | |
|--------------------|------------|
| <u>AYE</u> | <u>NAY</u> |
| Steve L. Spradlin | None |
| Annette S. Perkins | |
| Doug Marrs | |
| James D. Politis | |
| John A. Muffo | |
| Mary W. Biggs | |
| Gary D. Creed | |

ORD-FY-05-24

AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING, SECTION 10-33(2) OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA, BY CHANGING THE QUALIFYING LANDS FOR THE PLANNED INDUSTRIAL DISTRICT (PIN) IN ORDER TO BE CONSISTENT WITH THE NEW 2025 COUNTY COMPREHENSIVE PLAN

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, Entitled Zoning, Section 10-33(2) of the Code of the County of Montgomery shall be amended and reordained as follows:

10-33 PIN Planned Industrial

- (2) *Qualifying lands.* Lands qualifying for inclusion in the PIN zoning district shall be PIN on the date of passage of this chapter, or other lands within areas mapped as urban expansion or ~~rural~~ village expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. The minimum area required to create a district shall be five (5) acres of total contiguous land.

The vote on the foregoing ordinance was as follows:

| | |
|--------------------|------------|
| <u>AYE</u> | <u>NAY</u> |
| Annette S. Perkins | None |
| Doug Marrs | |
| James D. Politis | |
| John A. Muffo | |
| Mary W. Biggs | |
| Steve L. Spradlin | |
| Gary D. Creed | |

ORD-FY-05-25

AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING, SECTION 10-61 OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA, BY ADDING DEFINITIONS FOR LABORATORY AND OUTPATIENT MENTAL HEALTH AND SUBSTANCE ABUSE CENTER.

On a motion by Doug Marrs, seconded by Steve L. Spradlin and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, Entitled Zoning, Section 10-61 of the Code of the County of Montgomery shall be amended and reordained as follows:

10-61 Definitions

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section. Any word, term or phrase used in this ordinance not defined below shall have the meaning ascribed to the word in the most recent edition of Webster's Unabridged Dictionary, unless in the opinion of the zoning administrator, established customs or practices of the County of Montgomery, Virginia, justify a different or additional meaning. Further, for the purpose of this chapter, certain words and terms are to be interpreted as follows:

- (1) Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; words in the singular number include the plural; and words in the plural include the singular, unless the obvious construction of the wording indicates otherwise.
- (2) The word "shall" is mandatory.
- (3) Unless otherwise specified, all distances shall be measured horizontally and at right angles or radially to the line in relation to which the distance is specified.
- (4) Unless otherwise specified, the term "day" shall mean working day (Monday through Friday).
- (5) The word "lot" includes the word plot; the word "used" includes the terms designed, intended, arranged or to be used.
- (6) The terms "land use" and "use of land" shall include the use of buildings and structures.

Laboratory: A facility for scientific laboratory research in technology-intensive fields or a facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials.

Outpatient mental health and substance abuse center: Establishments with medical staff providing outpatient services related to the diagnosis and treatment of mental health disorders, alcohol, and other substance abuse. These establishments may provide counseling and/or refer patients to more extensive treatment programs, if necessary. Included in this use type are outpatient alcohol treatment centers, outpatient detoxification centers, outpatient drug and substance abuse centers, and outpatient mental health centers.

The vote on the foregoing ordinance was as follows:

AYE

Doug Marrs

James D. Politis

John A. Muffo

Mary W. Biggs

Steve L. Spradlin

Annette S. Perkins

Gary D. Creed

NAY

None

**ORD-FY-05-26
AMENDMENT TO SECTION PLU 1.1.1.
OF THE MONTGOMERY COUNTY
2025 COMPREHENSIVE PLAN
TO ESTABLISH A POLICY FOR THE
PERIODIC CONSIDERATION OF CHANGES
TO PLANNING POLICY AREA DESIGNATIONS**

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, The 2025 Comprehensive Plan Policy Map designates Planning Policy Areas. These Planning Policy Areas establish boundaries for distinct urban and rural areas and identify preferred development patterns in order to:

1. promote growth where it can be supported by infrastructure improvements,
2. maintain existing community character, and
3. preserve agriculture, forestry, and related uses where most appropriate based on natural resources and where existing development and land use patterns support the continuation of these uses, and

WHEREAS, PLU 1.1.1 of the 2025 Comprehensive Plan calls for the development of a policy for the periodic consideration by the county of landowner requests to change Planning Policy Area designations.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby amend PLU 1.1.1 of the 2025 Comprehensive Plan as follows:

PLU 1.1.1 Policy Area Designations: The amendment Develop a policy for the periodic consideration by the county of landowner requests to change policy area designations in the Comprehensive Plan includes the following:

- a. **Initiation of Amendment Requests** - Amendment requests to change the designation of Planning Policy Areas may be initiated by the Landowner, Planning Commission, or Board of Supervisors.

Amendment requests from landowners, the Planning Commission and the Board of Supervisors are accepted and processed semi-annually between February 1st and March 1st and between August 1st and September 1st each year commencing August 1, 2005. In addition, the Planning Commission and Board of Supervisors may initiate amendments that concern a particular village during the consideration of each of the six village plans.

- b. **Criteria for Amendments** – A request to change the designation of a particular Planning Policy Area shall be approved only if one or more of the following criteria are met:

- The subject property was misinterpreted or overlooked in the comprehensive plan.
- Conditions have changed substantially since the last comprehensive plan update necessitating a change (e.g., changes in surrounding land use or economic conditions).
- An undue hardship exists which substantially limits the use of the subject property.
- The amendment will effectively aid in the implementation of other goals of the comprehensive plan.

Amendment requests are considered based on the preceding qualifications.

- c. **Consideration of Amendments** - All amendment requests shall be forwarded to the Planning Commission. The Planning Commission shall give notice in accordance with Section 15.2-2204 of the Code of Virginia, and hold a public hearing on all amendment requests. After the public hearing, the Commission shall approve, amend and approve or disapprove the amendment to the plan. The Commission shall by resolution make its recommendation known to the Board of Supervisors.

The Board of Supervisors shall give notice in accordance with Section 15.2-2204 of the Code of Virginia, and hold a public hearing on the request. The Board of Supervisors shall take action to approve, amend and approve or deny the amendment request within ninety (90) days of the Planning Commission's recommending resolution.

Additions shown in underline

Deletions shown in ~~double strikethrough~~

The vote on the foregoing ordinance was as follows:

AYE

James D. Politis

John A. Muffo

Mary W. Biggs

Steve L. Spradlin

Annette S. Perkins

Doug Marrs

Gary D. Creed

NAY

None

NEW BUSINESS

R-FY-05-200

**CHANGE IN SERVICE AMENDMENT #1
AGREEMENT WITH THOMPSON & LITTON
GOVERNMENT CENTER BUILDING "C"**

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, The original A/E contract for the Building "C" project executed in November 2003 included two design phases: one for the Montgomery County School Administration and the other for the temporary relocation of the Montgomery County Court System; and

WHEREAS, The design fee for this project was based upon a percentage of the total estimated cost for both phases of the project; and

WHEREAS, As the project developed it became evident that the planning budget established by the County did not accurately reflect the projected project cost due to underestimated renovation/cost/square foot and construction escalation, increase in scope of work and total area to be renovate, and unforeseen components added to the project such as an additional elevator, court holding cells and secure inmate transfer areas; and

WHEREAS, The resulting fee adjustment utilizes the most recent independent construction cost estimate of \$4,204,00 for both phases of construction and a 7% fee as the basis for determining the revised fee as follows:

Original Fee: \$3,090,000 @ 8% for all services = \$247,200
Revised Fee: \$4,204,000 @ 7% for all services = \$294,280
Fee Adjustment: \$294,280 - \$247,200 = \$47,080

WHEREAS, The fee for this Change in Service Amendment is a lump sum of \$47,080.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the County Administrator to sign the Change in Service Amendment #1 to the Agreement between Thompson & Litton, Inc. and Montgomery County dated November 11, 2003.

BE IT FURTHER RESOLVED, All standard provisions outlined in the original contract dated November 11, 2003 shall remain in effect under this Change in Service Amendment #1.

BE IT FURTHER RESOLVED, The approval of this resolution is contingent upon Board approval of fully funding the Building "C" project.

The vote on the foregoing resolution was as follows:

| | |
|--------------------|------------|
| <u>AYE</u> | <u>NAY</u> |
| John A. Muffo | None |
| Mary W. Biggs | |
| Doug Marrs | |
| Steve L. Spradlin | |
| James D. Politis | |
| Annette S. Perkins | |
| Gary D. Creed | |

**R-FY-05-203
AUTHORIZATION TO AWARD CONTRACT
AND FULLY FUND
BUILDING "C" PHASE 1**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the County Administrator to award the Building "C" Phase I project to the low bidder at a cost of \$3,942,200 to be funded out of the total \$15 million dollars borrowed for the renovation of Building "C" and the Courthouse.

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo

James D. Politis

Annette S. Perkins

Steve L. Spradlin

Doug Marrs

Mary W. Biggs

Gary D. Creed

NAY

None

**R-FY-05-201
RESOLUTION
6-YEAR ROAD PLAN
FOR INTERSTATE AND PRIMARY ROADS**

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, Representatives of the Board of Supervisors of Montgomery County, Virginia have attended the Commonwealth Transportation Board's Preallocation hearings for a number of years to advocate for a resolution to the traffic problems along the US 460 corridor between Blacksburg and Christiansburg and Christiansburg and Interstate 81; and to recognize the desirability of a direct link between Roanoke and VPI&SU; and

WHEREAS, In Virginia Interstate 81 is 325 miles long and travels through 21 cities and towns and 12 counties and is one of the top eight truck routes in the United States; and

WHEREAS, Interstate 81 was designed for 15% truck traffic, but trucks now account for up to 40% of the traffic; and

WHEREAS, Interstate 81 has been identified as a critically needed project in order to improve the capacity, condition and efficiency of our state transportation system; and

WHEREAS, The Board has expressed grave concern relative to conditions on Virginia Route 114 in Montgomery and Pulaski Counties, a major transportation artery serving as an east-west connector through the New River Valley which passes through residential and commercial development; and

WHEREAS, The residents who live along Route 114 and the surrounding area have presented petitions with over 393 signatures to the Board of Supervisors requesting that the safety of this road be enhanced, including turn lanes and widening of the road; and

WHEREAS, In June, 2002 the Route 114 westbound bridge was damaged to the point it was necessary for the Virginia Department of Transportation (VDOT) to close the bridge and move westbound traffic to the eastbound bridge, such that the eastbound bridge now carries all Route 114 traffic; and

WHEREAS, Replacement of the westbound Route 114 bridge (i.e., across New River and nearby rail line) is shown on the draft 6-Year Transportation Plan in 2009; and

WHEREAS, The Board has expressed concern relative to conditions on Virginia Route 8 in Montgomery and Floyd Counties; and

WHEREAS, Route 8 is a high traffic road with high population growth along the Route 8 corridor and provides the only access to Floyd County from Interstate 81 at Christiansburg; and

WHEREAS, The above routes have been identified as critically needed projects in order to improve the capacity, condition and efficiency of our regional transportation system.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia ("The Board") emphasizes its continued desire for completion of the above projects and expresses sincere appreciation to the Commonwealth Transportation Board for recognizing and considering the Montgomery County Board of Supervisors' comments to the aforementioned projects.

FURTHER, The Board requests the Commonwealth Transportation Board advance the replacement of the Route 114 westbound bridge in the Six Year Transportation Program and that VDoT undertake replacement of the bridge as an emergency action to return Route 114 to its full capacity as quickly as possible.

FURTHER, The Board hereby **opposes** the Dublin-Blacksburg connector (NRV Link) and reaffirms that the Dublin-Blacksburg connector (NRV Link) is not a priority for Montgomery County.

FURTHER, The Board requests the upgrade of U.S. Route 114; this project was previously in the Six-Year Plan and was removed due to funding and it is requested that this project be returned to the Six-Year Plan, and as an interim safety measure turning lanes on Route 114 at Rolling Hills subdivision are requested.

FURTHER, The Board requests the Commonwealth Transportation Board to consider necessary upgrades to US Route 8 from the southern corporation limits of the Town of Christiansburg through Montgomery County to the Floyd County line.

FURTHER, Due to the estimated time to upgrade US Route 8, the Board asks the Commonwealth Transportation Board to fund turning lanes at the US Route 8 intersections with Life Drive (SR 1295) and Smith Creek Road (SR 675); these improvements are necessary to protect the traveling public due to the many accidents at these two intersections.

FURTHER, The Board asks the Commonwealth Transportation Board to reinstate the US Route 8 intersection with Fairview Church Road (SR 669) traffic light and turn lane improvements; this project was removed from the Primary Six Year Plan due to funding and its reinstatement is requested for the general traveling public's safety.

The vote on the foregoing resolution was as follows:

| | |
|--------------------|------------|
| <u>AYE</u> | <u>NAY</u> |
| Mary W. Biggs | None |
| Doug Marrs | |
| Steve L. Spradlin | |
| James D. Politis | |
| Annette S. Perkins | |
| John A. Muffo | |
| Gary D. Creed | |

R-FY-05-202
MONTGOMERY COUNTY
EMERGENCY ASSISTANCE PROGRAM
30th ANNIVERSARY

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Montgomery County Emergency Assistance Program (MCEAP) has provided immediate, emergency and temporary assistance to the residents of Montgomery County since it's founding in 1975; and

WHEREAS, MCEAP has dispensed \$2,255,237.00 in assistance for food, rent, utility payments, and medical prescriptions to 132,483 low-income, handicapped, elderly and unemployed individuals (46,001 cases) in Montgomery County; and

WHEREAS, MCEAP endorses, encourages and promotes the principles of accountability, sensibility and self-sufficiency; and

WHEREAS, MCEAP coordinates its programs with all the major social service agencies in the county and seeks to serve as a clearinghouse for information with other charitable civic groups and area religious organizations; and

WHEREAS, MCEAP brings together many of the community's caring citizens who volunteer to maintain inventories of food, clothing, furniture, and necessities to help the county's needy; and

WHEREAS, MCEAP serves as a conduit making donations from community businesses, individuals, civic groups, and religious organizations available to those that need assistance; and

WHEREAS, MCEAP is celebrating 30 years of providing services to the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby recognizes the 30th Anniversary of the Montgomery County Emergency Assistance Program and proclaims April 23, 2005 as MCEAP's 30th Anniversary and Appreciation Day.

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|
| Doug Marrs | None |
| Steve L. Spradlin | |
| Annette S. Perkins | |
| James D. Politis | |
| John A. Muffo | |
| Mary W. Biggs | |
| Gary D. Creed | |

COUNTY ADMINISTRATOR'S REPORT

Post-Legislative Meeting with Legislators – The County Administrator informed the Board that a possible date to meet with the Legislators is May 9, 2005 before the regular Board meeting, another possible date is May 23, 2005. Staff will call the Legislators to determine who will be available to meet on May 9, 2005. The County Administrator suggested inviting the Town of Blacksburg, Town of Christiansburg and the School Board to the meeting.

Regional Coyote Bounty Program The County Administrator reported that letters have been sent out to the counties of Floyd, Craig, Giles, Pulaski, and Roanoke asking if they would be interested in a joint effort whereby adjoining counties would agreed to participate in a similar bounty program. To date, only Floyd County has responded and they did express interest in a regional program.

BOARD MEMBERS' REPORTS

Supervisor Perkins commented that every penny the County receives is used for services for citizens whether it is used for public safety, schools, social services, or roads. Every service that is provided by the County is paid for by the citizens, and that is fairness at its best.

Supervisor Muffo attended the "Take Back the Night" Rally held at Virginia Tech on March 31, 2005. He stated that the Board's proclamation recognizing this event was read at the event and believes the Board's support was well received.

Supervisor Spradlin received an e-mail from Kenneth Shrewsberry expressing concerns with speeding motorist on secondary roads, especially the curves. Mr. Shrewsberry requested that the Sheriff's Office be informed of this matter. Supervisor Spradlin stated he has forwarded a copy of Mr. Shrewsberry's request to the Sheriff's Office.

Supervisor Spradlin also received an e-mail from W.P. Turpin in regard to the proposed FY 05-06 Budget. Mr. Turpin expressed opposition to any tax increase but is not opposed to a fair budget. He stated that a low tax rate stimulates growth, which increases revenue. Mr. Turpin believes that Montgomery County's tax rate should not be compared to other localities' tax rates. He also expressed concern with the School Board's budget and the reassessment process. Mr. Turpin believes the Board should be held accountable for the taxpayers money and they should use it responsibly.

Supervisor Marrs expressed his appreciation to the County Administrator for the options to balance the budget. He stated this will be very beneficial and something to be study. Supervisor Marrs also thanked the Public Information Officer for providing report on the history of the County's tax rate for the last ten years.

Supervisor Biggs also expressed her appreciation to the County Administrator for the options to balance the budget. She asked for direction from the Chair for the upcoming meeting on April 20th as to whether Board members should be prepared to vote on a tax rate. The Chair stated the meeting scheduled for April 20, 2005 is to consider setting the tax rate and adopting the budget.

Proposed FY 05-06 Budget - Supervisor Biggs received an e-mail from B. Akers expressing her concerns about increasing taxes. Ms. Akers reported that citizens were promised that when the Spradlin Farms Shopping Center was developed the tax base would be increased. Supervisors Biggs indicated that she does not recall any type of promise related to Spradlin Farms Shopping Center. Several Board members responded that Spradlin Farms Shopping Center is located in the corporate limits of the Town of Christiansburg and that may be in reference to the Town Council instead of the Board of Supervisors.

Historic Funds – Renovation of Older Schools – Supervisor Biggs reported that Richmond is using historic funds in order to renovate older schools. She directed staff to investigate this idea to see how this is being funded, what criteria would have to be met, and how to apply. This may be a great opportunity for Montgomery County to receive funding to help renovate some of the older schools in the county.

Fairfax County – Public Foundation Fundraising Supervisor Biggs reported that Fairfax County sends out with their Personal Property Tax Notices, brochures about the Fairfax Public Library Foundation and Fairfax Public Education Foundation. The brochure informs the citizens about these foundations and informs them they can make a contribution. This is their primary public-private partnership to fund capital projects.

Supervisor Biggs reported that Montgomery County does have a public foundation for both the school and the library and believes Fairfax County's approach in adding brochures to their mailings is a wonderful idea. She asked if this idea would be something worth pursuing and could be discussed at a future board meeting.

Supervisor Creed made a statement that the one cent of tax money that was held in reserves and belongs to taxpayers, needs to be shown in the budget as to where it is being used and why. He believes that if this money is going to be used to balance the budget, the citizens of Montgomery County have the right to know where it is being used and why it is being used.

Supervisor Biggs commented that the one- cent was to be put in reserve and be used in upcoming budgets in order to keep the real estate tax rate lower. She does not recall the Board approving giving the money back to the citizens. She does like the idea of showing in the budget where the one-cent is being used.

INTO CLOSED MEETING

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.3-3711
- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment, Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
 - 1. Personnel
 - 2. Parks & Recreation Commission (3 Appointments)
 - (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body
 - 1. Expansion of Government Center

The vote on the foregoing motion was as follows:

| | |
|--------------------|------------|
| <u>AYE</u> | <u>NAY</u> |
| Steve L. Spradlin | None |
| Annette S. Perkins | |
| James D. Politis | |
| John A. Muffo | |
| Mary W. Biggs | |
| Doug Marrs | |
| Gary D. Creed | |

OUT OF CLOSED MEETING

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|
| Steve L. Spradlin | None |
| Annette S. Perkins | |
| James D. Politis | |
| John A. Muffo | |
| Mary W. Biggs | |
| Doug Marrs | |
| Gary D. Creed | |

CERTIFICATION OF CLOSED MEETING

On a motion by Doug Marrs, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES
Mary W. Biggs
Doug Marrs
Steve L. Spradlin
Annette S. Perkins
James D. Politis
John A. Muffo
Gary D. Creed

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

APPOINTMENTS

**R-FY05-204
APPOINTMENT
PARKS AND RECREATION COMMISSION**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Roy S. Jones**, who resides in **District A**, to the Parks and Recreation Commission effective April 12, 2005 and expiring April 11, 2008.

The vote on the foregoing resolution was as follows:

AYE

Mary W. Biggs
James D. Politis
John A. Muffo
Annette S. Perkins
Steve L. Spradlin
Doug Marrs
Gary D. Creed

NAY

None

**R-FY05-205
APPOINTMENT
PARKS AND RECREATION COMMISSION**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Mike Wood**, who resides in **District E**, to the Parks and Recreation Commission effective April 12, 2005 and expiring April 11, 2008.

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|
| Mary W. Biggs | None |
| James D. Politis | |
| John A. Muffo | |
| Annette S. Perkins | |
| Steve L. Spradlin | |
| Doug Marrs | |
| Gary D. Creed | |

ADJOURNMENT

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Wednesday, April 20, 2005 at 7:00 p.m.

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|
| Doug Marrs | None |
| James D. Politis | |
| John A. Muffo | |
| Annette S. Perkins | |
| Steve L. Spradlin | |
| Mary W. Biggs | |
| Gary D. Creed | |

The meeting adjourned at 10:45 p.m.

| | |
|-----------------------------|-------------------------|
| APPROVED: _____ | ATTEST: _____ |
| Gary D. Creed | B. Clayton Goodman, III |
| Chair, Board of Supervisors | County Administrator |